

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DARYL D. HEARD, )  
Petitioner, )  
v. ) No. 4:03-CV-793 CAS  
MIKE KEMNA, )  
Respondent. )

**ORDER**

This matter is before the Court on state prisoner Daryl D. Heard's action pursuant to 28 U.S.C. § 2254. This case was referred to United States Magistrate Judge Mary Ann Medler for report and recommendation on all dispositive matters and for final disposition on all non-dispositive matters, pursuant to 28 U.S.C. § 636(b).

On June 22, 2005, Judge Medler filed a Report and Recommendation of United States Magistrate Judge which recommended that Heard's petition for writ of habeas corpus be denied. No objections were filed to the Magistrate Judge's Report and Recommendation within the time permitted.

After careful review of the record, the Court concurs in the recommendation of the Magistrate Judge.

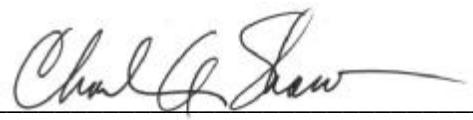
Accordingly,

**IT IS HEREBY ORDERED** that the Report and Recommendation of United States Magistrate Judge is **sustained, adopted and incorporated** herein. [Doc.20]

**IT IS FURTHER ORDERED** that Heard's Petition for Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2254 is **DENIED**. [Doc. 4]

**IT IS FURTHER ORDERED** that this matter is **DISMISSED**, with no further action to take place herein.

An appropriate judgment will accompany this order.



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**CHARLES A. SHAW**  
**UNITED STATES DISTRICT JUDGE**

Dated this 12th day of September, 2005.

